IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 22431 OF 2005

Date: 21.10.2005

BETWEEN:

G.N. Raju

.... PETITIONER

And

1. Deputy Commissioner of Prohibition & Excise, Karimnagar, and another.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 22431 OF 2005

ORDER:

The petitioner is allegedly the owner of lorry bearing NO.AP 25T-7866. The said lorry was seized by the second respondent on 7.8.2005 for allegedly involving in excise offence, i.e., carrying on black jaggery. The petitioner approached the first respondent for release of lorry pending further confiscation proceedings under Section 46 of the Andhra Pradesh Excise Act, 1968. As the same was not considered, the petitioner filed a writ petition being W.P.No.19907 of 2005 praying for the following reliefs.

i. Declare the action of the respondents in not releasing petitioner's lorry bearing No.AP 25T-7866, as illegal and arbitrary.

ii. Consequently direct the respondents to release lorry bearing No.AP 25T-7866 and

iii. Pass such other order or orders.

This Court by order dated 12.9.2005 disposed of the said writ petition directing the first respondent to take appropriate decision on the application filed by the petitioner within a period of ten days. Again the present writ petition is filed for similar reliefs.

Ordinarily when the petitioner has approached this Court for some relief and the writ petition is disposed of, for the same relief another writ petition is not maintainable. Be that as it is, it is brought to the notice of this Court that on 7.10.2005 itself the first respondent passed orders ordering interim custody/interim release of the vehicle to the petitioner on furnishing bank guarantee. In that view of the matter, nothing survives in this writ petition.

The Writ Petition, for the above reasons, is accordingly dismissed at the admission stage.

_____

(**V.V.S. RAO, J.)**

21st October, 2005

Js